

**FILED**

STATE OF INDIANA            )     IN THE HENRY COUNTY CIRCUIT COURT  
                                  ) SS:  
COUNTY OF HENRY         )     AVC NO. 02-029

*Linda S. Kitchell*  
CLERK HENRY CIRCUIT COURT

IN RE: SAM PIERCE CHEVROLET,     )  
       INC.,                             )     MISCELLANEOUS DOCKET  
  )  
             Respondent.             )     NO. 33C01-0204 MI 0025

**ASSURANCE OF VOLUNTARY COMPLIANCE**

The State of Indiana, by Attorney General Steve Carter and Deputy Attorney General Terry Tolliver, and the Respondent, Sam Pierce Chevrolet, Inc., enter into an Assurance of Voluntary Compliance ("Assurance") pursuant to Indiana Code §24-5-0.5-7.

Any violation of the terms of this Assurance constitutes prima facie evidence of a deceptive act. This Assurance is entered into without any adjudication of any issue of fact or law, and upon consent of the parties.

The parties agree:

1. Respondent is an Indiana corporation engaged in the sale of new and used motor vehicles, with a principal place of business at 8814 West State Road 236, Middletown, Indiana 47356, and transacts business with Indiana consumers.

2. The terms of this Assurance apply to and are binding upon Respondent, its employees, agents, representatives, successors, and assigns.

3. Respondent acknowledges the jurisdiction of the Consumer Protection Division of the Office of the Attorney General to investigate matters hereinafter described, pursuant to the authority of Ind. Code §4-6-9-4 and Ind. Code §24-5-0.5-1 et seq.

4. Respondent will refrain from making and shall not make, cause to be made, or permit to be made, expressly or by implication, any representation orally or in writing, regarding its ability to deliver certificates of title for motor vehicles unless Respondent actually intends to provide and, in fact, provides purchasers with motor vehicle certificate of title as represented.

5. Respondent will immediately comply with all provisions of Ind. Code §9-17-3-3, including but not limited to:

- a. endorsing the certificate of title for a vehicle which is sold or has ownership transferred by Respondent;
- b. delivering the endorsed certificate of title to the purchaser or transferee at the time of sale or delivery;
- c. if the conditions under Ind. Code §9-17-3-3(a)(4)(A-E) are met, delivering the endorsed certificate of title to the purchaser or transferee within twenty-one (21) days after the date of sale.

6. Respondent will immediately comply with all provisions of Ind. Code §9-18-26-10 and 140 IAC 3.5-2-15, including but not limited to, issuing no more than one interim license plate to a motor vehicle purchaser.

7. Respondent will immediately comply with all provisions of Ind. Code §9-18-26-6 and 140 IAC 3.5-2-10, including but not limited to, not issuing metal dealer plates to a motor vehicle purchaser.

8. Upon execution of this Assurance, Respondent shall pay costs in the amount of Five Hundred Dollars (\$500.00) to the Office of the Attorney General.

9. Respondent shall not represent that the Office of the Attorney General approves or endorses Respondent's past or future business practices, or that execution of this Assurance constitutes such approval or endorsement.

10. Respondent shall fully cooperate with the Office of the Attorney General in the resolution of any future written complaints the Consumer Protection Division receives.

11. The Office of the Attorney General shall file this Assurance with the Circuit Court of Henry County. The Court's approval of this Assurance shall not act as a bar to any private right of action.

Dated this 22nd day of April, 2002.

STATE OF INDIANA

RESPONDENT

STEVE CARTER  
Indiana Attorney General

SAM PIERCE CHEVROLET, INC.

By

Terry Tolliver  
Terry Tolliver  
Deputy Attorney General  
Atty. No. 22556-49  
Office of the Attorney General  
402 West Washington, 5th Floor  
Indianapolis, Indiana 46204

By

Title

Printed Name

Robert J. Bick  
Controller  
Robert L. Bick

APPROVED, this 3 day of May, 2002.

[Signature]  
Judge, Henry County Circuit Court

**FILED**

**MAY 03 2002**

Linda S. Hatchiff  
CLERK HENRY CIRCUIT COURT